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From: Michele Morrow Legal Assistant to Francis Lammes	No. of Pages Including Cover Sheet: 32
Message: Enclosed herewith: <ul style="list-style-type: none">• Transmittal Document; and• Appeal Brief.	
Re: Application No. 09/942,748 Attorney Docket No: AUS920010578US1	
Date: Tuesday, December 20, 2005	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 20 2005

In re application of: **Himmel et al.**

Serial No.: 09/942,748

Filed: August 30, 2001

**For: Apparatus and Method for
Merging Wireless Telephone Service
with Existing Wired Telephone
Equipment in a Facility****35525**PATENT TRADEMARK OFFICE
CUSTOMER NUMBER§
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Group Art Unit: 2645

Examiner: Chow, Ming

Attorney Docket No.: AUS920010578US1

Certificate of Transmission Under 37 C.F.R. § 1.8(a)I hereby certify this correspondence is being transmitted via facsimile to
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Michele Morrow

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Sir:

ENCLOSED HEREWITH:

- Appeal Brief (37 C.F.R. 41.37).

A fee of \$500.00 is required for filing an Appeal Brief. Please charge this fee to IBM Corporation Deposit Account No. 09-0447. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

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DEC 20 2005

Docket No. AUS920010578US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Himmel et al.

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Group Art Unit: 2645

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Serial No. 09/942,748

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Examiner: Chow, Ming

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Filed: August 30, 2001

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For: Apparatus and Method for
Merging Wireless Telephone Service
with Existing Wired Telephone
Equipment in a Facility

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By:



Michele Morrow

APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on October 27, 2005.

The fees required under § 41.20(B)(2), and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

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(Appeal Brief Page 1 of 30)
Himmel et al. - 09/942,748

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation.

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-7, 10-15, 18-24, and 28-30.

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: 8, 9, 16, 17, and 25-27.
2. Claims withdrawn from consideration but not canceled: NONE.
3. Claims pending: 1-7, 10-15, 18-24, and 28-30.
4. Claims allowed: NONE.
5. Claims rejected: 1-7, 10-15, 18-24, and 28-30.
6. Claims objected to: 5, 13, and 22.

C. CLAIMS ON APPEAL

The claims on appeal are: 1-7, 10-15, 18-24, and 28-30.

STATUS OF AMENDMENTS

There are no amendments after the final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER***Independent claims 1, 11, and 19:***

The present invention provides a method of routing calls to wired telephone devices in a facility. (Specification, page 11, lines 16-24) The present invention receives a call directly from a wireless network. (Specification, page 12, lines 7-9) The present invention converts the call to a wired telephone network format. (Specification, page 12, lines 9-11) The present invention forwards the call to a wired telephone device without routing the call through a wired telephone network external to the facility. (Specification, page 12, lines 11-15, and page 12, line 29, to page 13, line 10) The present invention determines a location of a wireless telephone device associated with the facility. (Specification, page 17, lines 6-8) The present invention routes the call to the wireless telephone device based on the location of the wireless telephone device, wherein the call is routed to the wireless telephone device only when the location of the wireless telephone device is not a location within the facility. (Specification, page 17, lines 8-18)

The apparatus recited in claim 11, as well as dependent claims 12-15, 18, and 29, may be an apparatus for routing calls to wired telephone devices in a facility comprised of a facility wired network interface 230; a wireless network interface 240; and a controller 210 coupled to both the facility wired network interface and wireless network interface performing the steps described in the specification at page 12, lines 5-15, page 12, line 29, to page 13, line 10, and page 17, lines 1-18, or equivalent. A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium as recited in claim 19, as well as dependent claims 20-24 and 30, given Figures 3A and 6 and the corresponding description at page 12, lines 5-15, page 12, line 29, to page 13, line 10, and page 17, lines 1-18, without undue experimentation.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL**A. GROUND OF REJECTION (Claims 1, 11, and 19)**

Claims 1, 11, and 19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

B. GROUND OF REJECTION (Claims 28, 29, and 30)

Claims 28, 29, and 30 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

C. GROUND OF REJECTION (Claims 1, 11, and 19)

Claims 1, 11, and 19 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

D. GROUND OF REJECTION (Claims 1, 11, and 19)

Claims 5, 13, and 22 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

E. GROUND OF REJECTION (Claims 1-4, 6, 7, 11, 12, 14, 15, 19, 20, 21, 23, 24, and 28-30)

Claims 1-4, 6, 7, 11, 12, 14, 15, 19, 20, 21, 23, 24, and 28-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Torrey et al. (U.S. Patent No. 6,466,799 B1) in view of Wang et al. (U.S. Patent No. 6,934,543).

F. GROUND OF REJECTION (Claims 5, 10, 13, 18, and 22)

Claims 5, 10, 13, 18, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Torrey et al. (U.S. Patent No. 6,466,799 B1) in view of Wang et al. (U.S. Patent No. 6,934,543), as applied to claim 1, and further in view of Pinard et al. (U.S. Patent No. 5,454,032).

ARGUMENT

A. 35 U.S.C. § 112, Second Paragraph, Claims 1, 11, and 19

The Office Action rejects claims 1, 11, and 19 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

The Office Action states:

The phrase "determine a location of a wireless telephone device associated with the facility" (line 7) is not clearly defined. It is unclear what is referred by the claimed "associated with". Is it "a location...associated with the facility" or "a wireless telephone device associated with the facility"?

Claim 1, which is representative of the other rejected independent claims 11 and 19 with regard to similarly recited subject matter, reads as follows:

1. A method of routing calls to wired telephone devices in a facility, comprising:
 - receiving a call directly from a wireless network;
 - converting the call to a wired telephone network format;
 - forwarding the call to a wired telephone device without routing the call through a wired telephone network external to the facility;
 - determining a location of a wireless telephone device associated with the facility; and
 - routing the call to the wireless telephone device based on the location of the wireless telephone device, wherein the call is routed to the wireless telephone device only when the location of the wireless telephone device is not a location within the facility.

Appellants respectfully submit that the claim language clearly points out and distinctly claims the subject matter which Appellants regard as the invention. According to conventional rules of grammar, the participial phrase beginning with "associated," should modify the closest noun phrase, which in this case is "telephone device." Applying these rudimentary rules of grammar, the phrase "determining a location of a wireless telephone device associated with the facility" clearly states to one of ordinary skill in the art that a location is determined of a wireless device, the wireless device being associated with the facility. This claim language is clearly supported in Figure 6 and the supporting description on page 17, lines 1-18, of the current

specification. Accordingly, Appellants respectfully request that the rejection of claims 1, 11, and 19 under 35 U.S.C. § 112, second paragraph not be sustained.

B. 35 U.S.C. § 112, Second Paragraph, Claims 28, 29, and 30

The Office Action rejects claims 28, 29, and 30 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

The Office Action states:

The phrase “the determination” is not clearly defined. It is unclear the claimed “determination” refers to “determining” (line 2 claim 28), or “determining a location” (line 7, claim 1).

Claim 28, which is representative of the other rejected independent claims 29 and 30 with regard to similarly recited subject matter, reads as follows:

28. The method of claim 1, further comprising:
determining when to route the calls to the wired or wireless telephones associated with the facility; and
routing the call based upon the determination.

Appellants respectfully submit that the claim language clearly points out and distinctly claims the subject matter which Appellants regard as the invention. The phrase “the determination” is predicated by “routing the called based.” Thus, one of ordinary skill in the art would clearly understand that “routing a call based on the determination” would refer to “determining when to route the calls to the wired or wireless telephones associated with the facility,” as stated in line 2 of claim 28 and not “determining a location of a wireless telephone device associated with the facility” as in line 7 of claim 1. This claim language is clearly supported on page 13, line 16 to page 15, line 9, and Figure 4 of the current specification. Accordingly, Appellants respectfully request that the rejection of claims 28, 29, and 30 under 35 U.S.C. § 112, second paragraph not be sustained.

The Office Action further states:

The phrase “determining when to route the calls to the wired or wireless telephones associated with the facility” is not clearly defined. It is what is

referred by "associated with the facility. Is it "the calls....associated with the facility" or "the wired or wireless telephones associated with the facility"?

Claim 28, which is representative of the other rejected independent claims 29 and 30 with regard to similarly recited subject matter, reads as follows:

28. The method of claim 1, further comprising:
determining when to route the calls to the wired or wireless telephones associated with the facility; and
routing the call based upon the determination.

Appellants respectfully submit that the claim language clearly points out and distinctly claims the subject matter which Appellants regard as the invention. Again, conventional rules of grammar dictate that the participial phrase modifies the closest noun phrase. Thus, the phrase "determining when to route the calls to the wired or wireless telephones associated with the facility" clearly states to one of ordinary skill in the art that when to route the calls to the wired or wireless telephones is determined, the wired or wireless telephones being associated with the facility. This claim language is clearly supported on page 13, line 16 to page 15, line 9, and Figure 4 of the current specification. Accordingly, Appellants respectfully request that the rejection of claims 28, 29, and 30 under 35 U.S.C. § 112, second paragraph not be sustained.

C. 35 U.S.C. § 112, First Paragraph, Claims 1, 11, and 19

The Office Action rejects claims 1, 11, and 19 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. This rejection is respectfully traversed.

The Office Action states:

The limitations cited by "determine a location of a wireless telephone device associated with the facility" (line 7) contradicts the limitation of "the location of the wireless telephone device is not a location within the facility" (line 11). The "a location....associated with the facility" (line 7) is interpreted as "a location....within the facility". Therefore, this limitation (line 7) contradicts with limitation on line 11 where cites "the location....is not within the facility".

Claim 1, which is representative of the other rejected independent claims 11 and 19 with regard to similarly recited subject matter, reads as follows:

1. A method of routing calls to wired telephone devices in a facility, comprising:
 - receiving a call directly from a wireless network;
 - converting the call to a wired telephone network format;
 - forwarding the call to a wired telephone device without routing the call through a wired telephone network external to the facility;
 - determining a location of a wireless telephone device associated with the facility; and
 - routing the call to the wireless telephone device based on the location of the wireless telephone device, wherein the call is routed to the wireless telephone device only when the location of the wireless telephone device is not a location within the facility.

Appellants respectfully submit that the claim language is described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, is capable of making and/or using the invention. As stated previously, the phrase "determining a location of a wireless telephone device associated with the facility" clearly states to one of ordinary skill in the art that a location is determined of a wireless device, the wireless device being associated with the facility. This claim language is clearly supported in Figure 6 and the supporting description on page 17, lines 1-18, of the current specification. The claim clearly states that a location is determined of a wireless telephone device, where the wireless telephone device is associated with the facility. There is no limitation implied in the claim that states that the location is associated with the facility, therefore, the location may be within or outside of the facility. Thus, "routing the call to the wireless telephone device based on the location of the wireless telephone device, wherein the call is routed to the wireless telephone device only when the location of the wireless telephone device is not a location within the facility" does not contradict the "determining a location of a wireless telephone device associated with the facility," rather, it defines when a call is to be routed. Accordingly, Appellants respectfully request that the rejection of claims 1, 11, and 19 under 35 U.S.C. § 112, first paragraph not be sustained.

D. 35 U.S.C. § 112, First Paragraph, Claims 5, 13, and 22

The Office Action rejects claims 5, 13, and 22 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. This rejection is respectfully traversed.

The Office Action states:

The phrase "the call has an associated address.... wherein the associated address is a geographic location of the facility" is not disclosed by the specification. The current specification disclosed on line 31 page 3 to line 11 page 4, *a call is received for the telephone number associated with the wireless telephone and the wireless telephone uses its location determination device to determine the location*. The location determination device was used to determine the location of the wireless telephone. The call, before the call is forwarded, was made based on the telephone number and has nothing to do with the telephone location. The "telephone number" can be interpreted as an "address". However, when the "address" is further claimed to be a "geographic location" the claim, as a whole, is not supported by the specification. Further, it is no obvious for one skilled in the art to implement a phone call based on the receiving party's geographic location.

Claim 5, which is representative of the other rejected independent claims 13 and 22 with regard to similarly recited subject matter, reads as follows:

5. The method of claim 1, wherein the call has an associated address, and wherein forwarding the call to a wired telephone device includes looking up the associated address in a directory of wired telephone devices associated with the facility, wherein the associated address is a geographic location of the facility and wherein determining if the last reported location of the wireless telephone device coincides with the geographical location of the facility with which the wireless telephone unit is associated.

Appellants respectfully submit that the recitation of Appellants specification is incomplete and inaccurate. Appellant's specification at page 3, line 31, to page 4, line 11, reads as follows:

In addition, the wireless telephone may be equipped with a location determination device that determines the wireless telephone's geographic location. This geographic location may be reported to the wireless service provider. When a call is received for the telephone number associated with the wireless telephone and the converter, a check is made to determine if the last reported location of the wireless telephone was the location of the facility associated with the converter. If the last reported location was the same as the

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facility location, calls are not routed to the wireless telephone and are only routed to the wired telephone units via the converter.

Using just this section of Appellants specification, one of ordinary skill in the art would be able to implement a system where a call, which is received directly from a wireless network (claim 1, line 3), has an associated address, and where the system looks up the associated address of the call in a directory of wired telephone devices associated with the facility. The associated address of the call is a geographic location of the facility. A determination is made of the last reported location of the wireless telephone device, and if the location of the wireless telephone device coincides with the geographical location of the facility with which the wireless telephone unit is associated the call is forwarded to a wired telephone device. Furthermore, in contradiction to the Office Action allegation that the invention as recited in claim 5, 13, and 22 is not supported by the specification, Appellants respectfully submit that in addition to being supported at page 3, line 31 to page 4, line 11, the claim is also supported at least on page 16, lines 20-31, of the current specification. Accordingly, Appellants respectfully request that the rejection of claims 5, 13, and 22 under 35 U.S.C. § 112, first paragraph not be sustained.

E. 35 U.S.C. § 103, Alleged Obviousness, Claims 1-4, 6, 7, 11, 12, 14, 15, 19, 20, 21, 23, 24, and 28-30

E1. Claims 1-3, 6, 7, 11, 12, 14, 15, 19, 20, 21, 23, 24, and 28-30

The Office Action rejects claims 1-4, 6, 7, 11, 12, 14, 15, 19, 20, 21, 23, 24, and 28-30 under 35 U.S.C. § 103(a) as being unpatentable over Torrey et al. (U.S. Patent No. 6,466,799 B1) in view of Wang et al. (U.S. Patent No. 6,934,543). This rejection is respectfully traversed. As to claims 1, 11 and 19, the Office Action states:

For claims 1, 2, 11, 12, 19, 20, Torrey et al teach on column 2 line 12 to column 3 line 4, converting incoming call signals received at the hand-held wireless device into signals for the wireline telephone devices by the communication premises station system without routing the call through a wired telephone network external to the facility.

Torrey et al failed to teach "determining a location of a wireless telephone device associated with the facility; and routing the call to the wireless telephone device based on the location of the wireless telephone device, wherein the call is

routed to the wireless telephone device only when the location of the wireless telephone device is not a location within the facility". However, Wang et al teach on item 107 Fig. 1, HLR B (HLR defines a mobile device's home location; claimed "determining a location of a wireless telephone device associated with the facility"). Wang et al teach on column 3 line 3, roaming mobile subscriber unit B registers with VLR B (roaming outside of the HLR coverage where the facility is located; claimed "the location of the wireless telephone device is not a location within the facility"). Wang et al teach on column 3 lines 22-45, based on the location of the roaming mobile unit B, when the location is at a visiting location (claimed "not a location within a facility"; where its time zone is within the inconvenient time period) the call is terminated (the call is not routed).

It would have been obvious to one skilled at the time the invention was made to modify Torrey et al to have the "determining a location of a wireless telephone device associated with the facility; and routing the call to the wireless telephone device based on the location of the wireless telephone device, wherein the call is routed to the wireless telephone device only when the location of the wireless telephone device is not a location within the facility" as taught by Wang et al such that the modified system of Torrey et al would be able to support the system users conveniences of determining a location of a wireless telephone and routing the call to the wireless telephone only when the location is not within the facility.

Office Action dated September 12, 2005, pages 5-6.

Claim 1, which is representative of the other rejected independent claims 11 and 19 with regard to similarly recited subject matter, reads as follows:

1. A method of routing calls to wired telephone devices in a facility, comprising:
 - receiving a call directly from a wireless network;
 - converting the call to a wired telephone network format;
 - forwarding the call to a wired telephone device without routing the call through a wired telephone network external to the facility;
 - determining a location of a wireless telephone device associated with the facility; and
 - routing the call to the wireless telephone device based on the location of the wireless telephone device, wherein the call is routed to the wireless telephone device only when the location of the wireless telephone device is not a location within the facility.

Appellants respectfully submit that Torrey and Wang, taken alone or in combination, fail to teach or suggest determining a location of a wireless telephone device associated with the facility and routing the call to the wireless telephone device based on the location of the wireless

telephone device, wherein the call is routed to the wireless telephone device only when the location of the wireless telephone device is not a location within the facility.

Torrey is directed to allowing a consumer to place wireless calls over their hand-held wireless communications device from telephones connected through-out their location, while keeping the convenience and flexibility of a hand-held communications device. In the Torrey system there is a communications premises station system for receiving a hand-held wireless communications device which communicates with a wireless network and has a premises station interface. The communications premises station system has one or more telephonic interfaces for communicating with one or more telephonic devices (e.g., telephones, facsimile machines, computers). When the hand-held wireless communications device is placed in premises station (similar to a battery charger cradle), the hand-held wireless communications device electrically connects to communications premises station system.

Wang is directed to a method for filtering incoming calls. A request for a call from a calling unit to a mobile subscriber unit is received and a check is performed to determine whether local time information indicates that the mobile subscriber unit is within a time zone in an inconvenient time period. An indication is sent to the calling unit to inform the calling unit that the mobile subscriber unit is in the time zone within the inconvenient time period when the checking of the local time information determines that the local time information is within the inconvenient period. Thus, Wang is directed to an entirely different field of invention from the presently claimed invention.

The Office Action acknowledges that Torrey does not teach determining a location of a wireless phone and routing the call to the wireless phone. However, the Office Action alleges that Wang teaches this feature at item 107 of Figure 1; column 3, line 3; and column 3, lines 22-45, which are shown and read as follows:

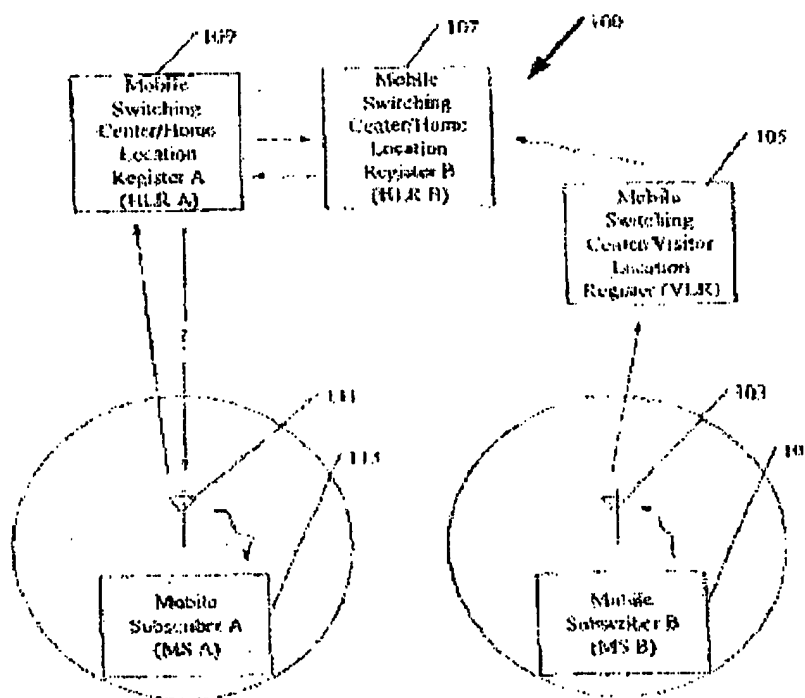


FIG. 1

(Figure 1)

FIG. 2 is a sequence chart, which illustrates an implementation of a first embodiment of the invention. At 201, roaming mobile subscriber unit B registers with VLR B. Also included with the registration information or in a separate message may be inconvenient time period information. The inconvenient time period information may be entered by a user of the mobile subscriber unit as a time range, such as, for example, 12:00AM to 8:00AM, or the user may select one or more of several preset time ranges, such as, for example, 12:00AM to 4:00AM and 4:00AM to 8:00AM. At 202, VLR B passes the registration information and inconvenient time period information to mobile subscriber unit B's HLR, HLR B. VLR B also sends its local time information, which may be included with the registration information or may be sent as a separate message to HLR B. VLR B's local time information may include a local time at VLR B, such as, for example, 3:30AM.

(Column 3, lines 1-17)

In an alternate embodiment, the inconvenient time period information may have been previously stored on a mobile subscriber unit basis in mobile subscriber unit B's HLR, HLR B, thus, eliminating the need for mobile subscriber unit B and VLR B to send this information to HLR B. Thus, each mobile subscriber unit may have different pre-stored inconvenient time information stored at a corresponding HLR.

Because mobile subscriber unit B registered with VLR B, HLR B now has information indicating that mobile subscriber unit B is roaming and has information regarding mobile subscriber unit B's current local time zone and inconvenient time period. If the call request from mobile subscriber unit A occurs at an inconvenient time for mobile subscriber unit B, then, at 205, HLR B sends an indication through HLR A and then, at 206, to mobile subscriber unit A indicating that the call request is occurring during an inconvenient time for a mobile subscriber unit B. The indication may contain a query asking a user at the mobile subscriber unit A whether the call is an emergency. At 207 the user responds "Y" if this is an emergency or "N" if this is not an emergency. At 208, the response is passed through HLR A and HLR B. If the user of the mobile subscriber unit A responds "N" then the call is terminated. If the user at mobile subscriber unit A responds "Y" then the call is allowed to proceed and the call request, at 209, is sent from HLR B to VLR B. VLR B, at 210 then sends the call request to mobile subscriber unit B.

(Column 3, lines 22-49)

In Figure 1, Wang describes item 107 as a home location register that receives registration information and local time information regarding a time zone in which visitor location register resides of the mobile subscriber unit. In column 3, line 3, Wang describes a mobile subscriber unit that registers with a visitor location register. In column 3, lines 22-45, Wang describes inconvenient time period information that may have been previously stored on a mobile subscriber unit basis in mobile subscriber unit's home location register, thus, eliminating the need for mobile subscriber unit and visitor location register to send this information to home location register.

The presently claimed invention recites determining a location of a wireless telephone device associated with the facility. While Wang teaches registering with a mobile subscriber unit with a visitors location register, there is no teaching or suggestion of a determination of a location of the wireless phone and there is no association of the wireless phone to a facility. The Office Action alleges that roaming outside of the HLR coverage where the facility is located is equivalent to the location of the wireless telephone device is not a location within the facility. One of ordinary skill in the art would understand determining a mobile subscriber unit is within

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its HLR coverage, which may encompass an entire city, would not be equivalent to determining the location of a wireless device associated with a facility, which may be a building or campus.

Furthermore, Wang does not teach or suggest routing the call to the wireless telephone device based on the location of the wireless telephone device, wherein the call is routed to the wireless telephone device only when the location of the wireless telephone device is not a location within the facility. In Wang the call is always routed to a wireless device whether within the home location register's coverage or a visitor location register's coverage. Appellants respectfully submit that it would not have been obvious to combine Wang's teachings with the teachings of Torrey. That is, Torrey does not teach or suggest determining a location of a wireless telephone device associated with the facility and routing the call to the wireless telephone device based on the location of the wireless telephone device, wherein the call is routed to the wireless telephone device only when the location of the wireless telephone device is not a location within the facility. Wang teaches filtering incoming calls.

Furthermore, there is not so much as a suggestion in either reference to modify the references to include such features. That is, there is no teaching or suggestion in Torrey and Wang, either alone or in combination, that a problem exists for which determining a location of a wireless telephone device associated with the facility and routing the call to the wireless telephone device based on the location of the wireless telephone device, wherein the call is routed to the wireless telephone device only when the location of the wireless telephone device is not a location within the facility, are a solution. To the contrary, Torrey only teaches communicating with devices that are electrically connected to the communications premises station system. Wang only teaches filtering incoming calls on wireless devices. Torrey and Wang, either alone or in combination, do not recognize a need to perform the features, or similar features, as recited in claims 1, 11, and 19.

Moreover, neither reference teaches or suggests the desirability of incorporating the subject matter of the other reference. That is, there is no motivation offered in either reference for the alleged combination. The Office Action alleges that the motivation for the combination is "such that the modified system of Torrey et al would be able to support the system users conveniences of determining a location of a wireless telephone and routing the call to the wireless telephone only when the location is not within the facility." The Torrey reference does

not need to determine a location of a wireless telephone device associated with the facility first as it only uses devices electrically connected to a communication premise station system. Wang always routes to a wireless phone. Thus, the only teaching or suggestion to even attempt the alleged combination is based on a prior knowledge of Appellants' claimed invention thereby constituting impermissible hindsight reconstruction using Appellants' own disclosure as a guide.

One of ordinary skill in the art, being presented only with Torrey and Wang, and without having a prior knowledge of Appellants' claimed invention, would not have found it obvious to combine and modify Torrey and Wang to arrive at Appellants' claimed invention. To the contrary, even if one were somehow motivated to combine Torrey and Wang, and it were somehow possible to combine the two systems, the result would not be the invention, as recited in claims 1, 11, and 19. The result would be two separate systems operating independently of each other.

Thus, Torrey and Wang, taken alone or in combination, fail to teach or suggest all of the features in independent claims 1, 11, and 19. At least by virtue of their dependency on claims 1, 11, and 19, the specific features of claims 2-3, 6, 7, 12, 14, 15, 20, 21, 23, 24, and 28-30 are not taught or suggested by Torrey and Wang, either alone or in combination. Accordingly, Appellants respectfully request that the rejection of claims 1-3, 6, 7, 11, 12, 14, 15, 19, 20, 21, 23, 24, and 28-30 under 35 U.S.C. § 103(a) not be sustained.

E2. Claim 4

In addition to their dependency from independent claim 1, the specific features recited in dependent claim 4 are not taught or suggested by Torrey and Wang, either alone or in combination. That is, Torrey and Wang, taken alone or in combination, do not teach or suggest wherein the services are the services the wireless user has subscribed to receive. The Office Action alleges that Torrey teaches this feature on item 110 of Fig. 1A. Nowhere in this Figure, the related description, or in the entire Torrey reference is there a mention of a service that is be provided by Torrey being part of a subscription of the wireless user.

Thus, in addition to being dependent on independent claim 1, the specific features of dependent claim 4 is also distinguishable over Torrey by virtue of the specific features recited in

this claim. Appellants respectfully request that the rejection of claim 4 under 35 U.S.C. § 103(a) not be sustained.

E. 35 U.S.C. § 103, Alleged Obviousness, Claims 5, 10, 13, 18, and 22

The Office Action rejects claims 5, 10, 13, 18, and 22 under 35 U.S.C. § 103(a) as being unpatentable over Torrey et al. (U.S. Patent No. 6,466,799 B1) in view of Wang et al. (U.S. Patent No. 6,934,543) as applied to claim 1, and further in view of Pinard et al. (U.S. Patent No. 5,454,032). This rejection is respectfully traversed.

The deficiencies of Torrey and Wang have been addressed above. Claims 5, 10, 13, 18, and 22 are dependent on independent claims 1, 11, and 19 and, thus, these claims distinguish over Torrey and Wang, taken alone or in combination, for at least the reasons noted above with regards to claims 1, 11, and 19. Moreover, Pinard does not provide for the deficiencies of Torrey and Wang and, thus, any alleged combination of Torrey, Wang, and Pinard would not be sufficient to reject independent claims 1, 11, and 19 or claims 5, 10, 13, 18, and 22 by virtue of their dependency. That is, Pinard does not teach or suggest determining a location of a wireless telephone device associated with the facility and routing the call to the wireless telephone device based on the location of the wireless telephone device, wherein the call is routed to the wireless telephone device only when the location of the wireless telephone device is not a location within the facility.

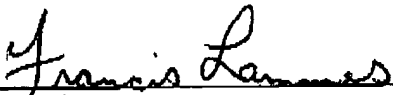
Pinard is directed to a method of establishing a telephone communication link from a calling line to one of plural peripheral devices associated with a single telephone number in a central office telephone switching system or PBX. With regard to claims 5, 13, and 22, while Pinard may teach receiving a call and accessing a particular directory number from a memory for forwarding a call, Pinard does not teach or suggest wherein the call has an associated address, and wherein forwarding the call to a wired telephone device includes looking up the associated address in a directory of wired telephone devices associated with the facility, wherein the associated address is a geographic location of the facility and wherein determining if the last reported location of the wireless telephone device coincides with the geographical location of the facility with which the wireless telephone unit is associated. Nowhere, in any section of Pinard, is there a teaching or suggestion for an address for a facility and an address

associated with a wireless device to be compared. Thus, Pinard does not provide for the deficiencies of Torrey and Wang.

In view of the above, Appellants respectfully submit that Torrey, Wang, and Pinard, taken alone or in combination, fail to teach or suggest the features of claims 1, 11, and 19. At least by virtue of their dependency on claims 1, 11, and 19, the features of dependent claims 5, 10, 13, 18, and 22 are not taught or suggested in Torrey, Wang, and Pinard, whether taken individually or in combination. Accordingly, Accordingly, Appellants respectfully request that the rejection of claims 5, 10, 13, 18, and 22 under 35 U.S.C. § 103(a) not be sustained.

CONCLUSION

In view of the above, Appellants respectfully submit that claims 1-7, 9-17, 19-25, 27-37, and 39-70 are allowable over the cited prior art and that the application is in condition for allowance. Accordingly, Appellants respectfully request the Board of Patent Appeals and Interferences to not sustain the rejections set forth in the Final Office Action.


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CLAIMS APPENDIX

The text of the claims involved in the appeal are:

1. A method of routing calls to wired telephone devices in a facility, comprising:
receiving a call directly from a wireless network;
converting the call to a wired telephone network format;
forwarding the call to a wired telephone device without routing the call through a wired telephone network external to the facility;
determining a location of a wireless telephone device associated with the facility; and
routing the call to the wireless telephone device based on the location of the wireless telephone device, wherein the call is routed to the wireless telephone device only when the location of the wireless telephone device is not a location within the facility.
2. The method of claim 1, further comprising routing the call to both the wired telephone device and a wireless telephone device.
3. The method of claim 1, wherein the call has one or more associated wireless telephone services, and wherein the one or more associated wireless telephone services are provided through the wired telephone device.
4. The method of claim 3, wherein the wired telephone device includes a wireless service unit that provides one or more interfaces for providing the one or more wireless telephone

services to a user of the wired telephone device, wherein the services are services a wireless user has subscribed to receive.

5. The method of claim 1, wherein the call has an associated address, and wherein forwarding the call to a wired telephone device includes looking up the associated address in a directory of wired telephone devices associated with the facility, wherein the associated address is a geographic location of the facility and wherein determining if the last reported location of the wireless telephone device coincides with the geographical location of the facility with which the wireless telephone unit is associated.

6. The method of claim 1, further comprising storing tracking information for the wired telephone device.

7. The method of claim 6, wherein the tracking information includes one or more of records of calls made to or from the wired telephone device, wired telephone device preferences, wired telephone capabilities, user preferences for a user of the wired telephone device, and billing records for the wired telephone device.

10. The method of claim 2, wherein a telephone number associated with the call has an associated identifier for the wired telephone device and an associated identifier for the wireless telephone device, and wherein the call is routes to the wired telephone device and the wireless telephone device based on the associated identifiers.

11. An apparatus for routing calls to wired telephone devices in a facility, comprising:
a facility wired network interface;
a wireless network interface; and
a controller coupled to both the facility wired network interface and the wireless network interface, wherein the controller receives a call directly from a wireless network via the wireless network interface, converts the call to a wired telephone network format, forwards the call to a wired telephone device via the facility wired network interface without routing the call through a wired telephone network external to the facility; determines a location of a wireless telephone device associated with the facility; and routes the call to the wireless telephone device based on the location of the wireless telephone device, wherein the controller routes the call to the wireless telephone device only when the location of the wireless telephone device is not a location within the facility.

12. The apparatus of claim 11, wherein the controller routes the call to both the wired telephone device and a wireless telephone device.

13. The apparatus of claim 11, wherein the call has an associated address, and wherein the controller forwards the call to a wired telephone device by looking up the associated address in a directory of wired telephone devices associated with the facility, wherein the associated address is a geographic location of the facility and wherein determining if the last reported location of the wireless telephone device coincides with the geographical location of the facility with which the wireless telephone unit is associated.

14. The apparatus of claim 11, further comprising a storage device that stores tracking information for the wired telephone device.

15. The apparatus of claim 14, wherein the tracking information includes one or more of records of calls made to or from the wired telephone device, wired telephone device preferences, wired telephone capabilities, user preferences for a user of the wired telephone device, and billing records for the wired telephone device.

18. The apparatus of claim 12, wherein a telephone number associated with the call has an associated identifier for the wired telephone device and an associated identifier for the wireless telephone device, and wherein the controller routes the call to the wired telephone device and the wireless telephone device based on the associated identifiers.

19. A computer program product in a computer readable medium for routing calls to wired telephone devices in a facility, comprising:

first instructions for receiving a call directly from a wireless network;

second instructions for converting the call to a wired telephone network format;

third instruction for forwarding the call to a wired telephone device without routing the call through a wired telephone network external to the facility;

fourth instructions for determining a location of a wireless telephone device associated with the facility; and

fifth instructions for routing the call to the wireless telephone device based on the location of the wireless telephone device, wherein the call is routed to the wireless telephone device only when the location of the wireless telephone device is not a location within the facility.

20. The computer program product of claim 19, further comprising sixth instructions for routing the call to both the wired telephone device and a wireless telephone device.

21. The computer program product of claim 19, wherein the call has one or more associated wireless telephone services, and wherein the one or more associated wireless telephone services are provided through the wired telephone device.

22. The computer program product of claim 19, wherein the call has an associated address, and wherein the third instructions for forwarding the call to a wired telephone device include instructions for looking up the associated address in a directory of wired telephone devices associated with the facility, wherein the associated address is a geographic location of the facility and wherein determining if the last reported location of the wireless telephone device coincides with the geographical location of the facility with which the wireless telephone unit is associated.

23. The computer program product of claim 19, further comprising sixth instructions for storing tracking information for the wired telephone device.

24. The computer program product of claim 23, wherein the tracking information includes one or more of records of calls made to or from the wired telephone device, wired telephone device preferences, wired telephone capabilities, user preferences for a user of the wired telephone device, and billing records for the wired telephone device.

28. The method of claim 1, further comprising:
determining when to route the calls to the wired or wireless telephones associated with the facility; and
routing the call based upon the determination.

29. The apparatus of claim 11, wherein the controller determines when to route the calls to the wired or wireless telephones associated with the facility; and routes the call based upon the determination.

30. The computer program product of claim 19, further comprising:
sixth instructions for determining when to route the calls to the wired or wireless telephones associated with the facility; and
seventh instructions for routing the call based upon the determination.

EVIDENCE APPENDIX

There is no evidence to be presented.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.

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